
From: Stanfield, Brooks
Sent: Wednesday, May 6, 2020 1:54 PM
To: Leefers, Kristin; Fowlow, Jeffrey
Subject: RE: KAIC access to SR Property

Categories: Critical Information

Long winded? Heh. That was nothin.

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From: Leefers, Kristin <Leefers.Kristin@epa.gov>
Sent: Wednesday, May 06, 2020 11:54 AM
To: Fowlow, Jeffrey <Fowlow.Jeffrey@epa.gov>
Cc: Stanfield, Brooks <Stanfield.Brooks@epa.gov>
Subject: RE: KAIC access to SR Property

Alright, I'll try not to be so long winded next time. 😊

Kris Leefers
206-553-1532

From: Fowlow, Jeffrey <Fowlow.Jeffrey@epa.gov>
Sent: Wednesday, May 06, 2020 11:42 AM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Cc: Stanfield, Brooks <Stanfield.Brooks@epa.gov>
Subject: RE: KAIC access to SR Property

Hey, Kris, thanks for the explanation. This sentence from your email is all we were hoping for: "However I will reach out to the attorneys and encourage cooperation and remind them that this is important for all parties."

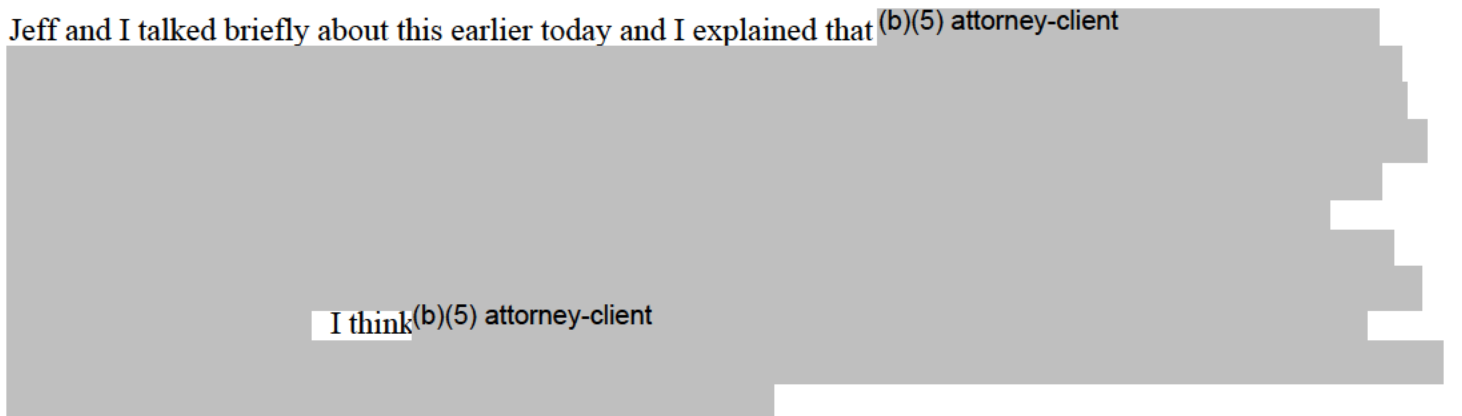
Also, after reading your email, I now understand that it is KAIC that is asking for some special consideration (waiver of liability), rather than SR/SR attorney. So in some ways, KAIC's delay in getting on site is of their own making.

From: Leefers, Kristin <Leefers.Kristin@epa.gov>
Sent: Wednesday, May 06, 2020 11:20 AM
To: Fowlow, Jeffrey <Fowlow.Jeffrey@epa.gov>
Cc: Stanfield, Brooks <Stanfield.Brooks@epa.gov>
Subject: RE: KAIC access to SR Property

Hello,


I will send an email generally to both attorneys about this. SR's attorney has been in regular contact with me, so I'm not sure what the hold-up is with communications between SR and KAIC. Along with consent, SR did also request that EPA/KAIC provide notice of planned site access so that Mr. Hothi could potentially be present. Arranging that may be a hold-up. Additionally, KAIC had proposed a side agreement, to augment the consent for access form. It was basically a liability waiver. KAIC wanted EPA to sign, and I declined to agree to that. EPA will not provide a blanket liability waiver as a condition of access. However, my understanding is that KAIC and SR are negotiating for a private agreement regarding liability associated with access prior to the finalization of the settlement agreements. That may be a hold-up. The settlement agreements provide access for EPA, and PRPs, to conduct response activities, and the settlement agreements also address CERCLA liability (which is KAIC's concern). Once these settlements are final, PRPs are acting under CERCLA authority when accessing properties, and have the rights and responsibilities associated with that. My understanding was that the concerns for both KAIC and SR relate mainly to the "interim" period, basically from now until the settlements are final. I will try to express to them that delays and lack of cooperation in this interim period will only delay the project overall.

Jeff and I talked briefly about this earlier today and I explained that (b)(5) attorney-client



I think (b)(5) attorney-client

Bottom line, I don't think (b)(5) attorney-client



Kris Leefers
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From: Fowlow, Jeffrey <Fowlow.Jeffrey@epa.gov>
Sent: Tuesday, May 05, 2020 2:26 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Cc: Stanfield, Brooks <Stanfield.Brooks@epa.gov>
Subject: KAIC access to SR Property

Kris,

Brooks and I had a meeting with KAIC (Bud and Edgar) today. They mentioned that one roadblock they are facing in regards to planning the location for the proposed new storm water pond(s) is accessing the SR property to verify the storm drain locations and elevations. Plans really can't be drawn up without understanding this aspect of the current system. They have received their CFA to the property but Tre has not had success finding out from Hothi's attorney if there is any further permission required to actually get onto SR property. Does Hothi require some specific notification? Does he require the presence of his representative? Or can they just come and go at will?

Brooks let them know that the site can be physically accessed by driving around the gate towards where the operating metal fabrications business is located. The rest of the property can be accessed from that roadway. Bud also mentioned that he knew where the engineering documents were stored (Building 38) and would like to get access to that building to see if he can locate them. These documents might have the detailed survey data that would save a lot of time.

Anyway, we were wondering if you might be able to help Tre get the attention of Hothi's attorney to resolve whether any additional permission is required or whether it is now permissible for KAIC to gain access whenever they need.

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